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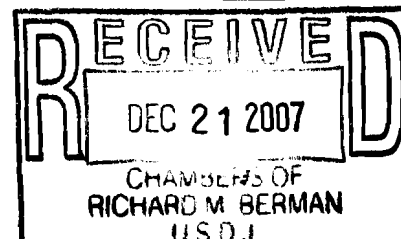
*It would
 be helpful to
 have an
 affidavit in
 support along with citations.*

SO ORDERED:

Date: 12/21/07

Richard M. Berman
 Richard M. Berman, U.S.D.J.

December 21, 2007



Hon. Richard M. Berman
 United States District Court
 Southern District of New York
 500 Pearl Street
 New York, NY 10007

USDC SDNY
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Our Ref: 537-07/PJG

Re: Phoenix Bulk Phoenix Bulk Carriers v. Unicarbon et. al.
 07 Civ. 10404 (RMB)

Dear Judge Berman,

We represent the Plaintiff in the captioned action which involves a claim for breach of charter. We apologize to the Court for submitting this application to the Court the Friday before a long weekend, but the vagaries of shipping sometimes make timing difficult, and this is one of those situations. In this regard, the purpose in our writing is to make application to the Court for an amendment to the Process of Attachment so as to capture a freight payment which we understand is being made by the Defendants in connection with a charter of the BRIGHT ZHEJIANG.

By way of background, and as outlined above, this case involves a breach of charter relating to the non-performance of a contract of affreightment. To date, a modest sum has been restrained, but no further transfers have been identified by any of the garnishee banks.

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December 21, 2007

Page 2

We have just been advised, however, that the vessel BRIGHT ZHEJIANG has been chartered to the Defendant Dynacoal for the carriage of a cargo of coal from North China to Turkey, the base of operations from which the Defendants import coal for the Enerji Maden group of companies (of which the Defendants act in the capacity as the transportation arm). Inasmuch the Defendants may be effecting the payment of freight through another name in order to circumvent the Court's Order, we write to seek an amendment to the Order of Attachment so as to identify the freight payment itself in connection with Dynacoal's charter of this vessel as an asset which would be subject to the attachment. In this way, even if the Defendants were to leave their names off the transfer as the party initiating the payment, the payment would nevertheless be captured because the vessel (for which the payment is being made) would be identified in the Process thereby giving the garnishees sufficient information to restrain the transfer.

Provided this application meets with the Court's approval, we have prepared an Order directing the clerk to issue an Amended Process which is substantially identical to the original one issued by the Court but with the additional identification of this particular transaction involving the payment of freight on the vessel BRIGHT ZHEJIANG.

We appreciate the Court's attention to the foregoing.

Respectfully submitted,

FREEHILL HOGAN & MAHAR LLP

A handwritten signature in black ink, appearing to read "Peter J. Gutowski", is written over the printed name. The signature is fluid and cursive.

Peter J. Gutowski

PJG:mjg

Encl.